REMARKS

This Amendment is in response to the Office Action mailed October 20, 2005. In the Office Action, claims 1-2, 4-6, 10-16, 18-21, 23-36, 38-41, 43-46, 49-50 and 52 were rejected under 35 U.S.C. §103(a). Claims 1, 21 and 41 have been amended. The amendment is filed concurrently with a Request for Continued Examination.

Rejections Under 35 U.S.C. § 103

A. §103 REJECTION OF CLAIMS 1-2, 4-5, 10-11, 13-16, AND 18-20

In the Office Action, claims 1-2, 4-5, 10-11, 13-16 and 18-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kenner (U.S. Patent No. 6,003,030) in view of McCanne (U.S. Patent No. 6,785,704). Applicant respectfully traverses the rejection because a *prima facie* case of obviousness has not been established.

As the Examiner is aware, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See MPEP §2143; See In re Fine,* 873 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). Herein, the combined teachings of the cited references fail to describe or suggest all of the claim limitations, and thus, a *prima facie* case of obviousness has not been established.

For instance, with respect to claim 1, this claim includes the limitations of "receiving a list of servers in a network for display on a viewing system" and "registering information with a service provider by a viewer using the viewing system." The information includes a preferred order of edge servers for routing content to a viewer." Applicant respectfully submits that neither Kenner nor McCanne, alone or in combination, teach or suggest such registration based on a viewed list of servers by the viewer.

Moreover, this claim includes the limitation that "in response to the viewer requesting the content, selecting one of the *edge servers* to be a selected edge server *to receive and to transmit* the content to the viewer via a network." Applicant respectfully agrees that Kenner fails to specifically recite this limitation. Rather, Kenner is directed to the establishment of "mirror" delivery sites and prioritized ranking of these sites. However, these delivery sites are the sources of the requested content, and do not operate as an edge server as claimed. As explicitly set forth in the subject application, an "edge server" is defined as a server that is physically located close to its users. *See page 4 of the subject application.*

Applicant respectfully traverses the contention that edge servers are used to serve as delivery sites for clients as evidenced by McCanne, and thus, imply that the teachings of Kenner are applicable to the edge servers set forth in the claimed invention. *See Page 3 of the Office Action.* Applicant respectfully disagrees that McCanne provides such teachings based on the presence of edge servers (38) that are separate from delivery sites (or content servers 14). *See Figures 3-6 of McCanne.*

Furthermore, Applicant respectfully traverses the allegation that Kenner teaches or suggests the operation of registering information with a service provider, where the information includes a preferred order of servers for routing content to a viewer. Neither column 7 (lines 56-62) nor column 13 (lines 15-20) suggests registering information that includes the order of servers as explicitly claimed.

Therefore, Applicant respectfully submits that neither Kenner nor McCanne, alone or in combination, disclose or suggest each and every limitation set forth in independent claim 1 as well as dependent claims 2, 4-5, 10-11, 13-16 and 18-20. Applicant respectfully reserves the right to further submit additional grounds for traversing the rejection is an appeal is warranted. Withdrawal of the outstanding §103(a) rejection is respectfully requested.

B. §103 REJECTION OF CLAIMS 21, 23-24, 29-31, 33-36, 38-41, 43-44 AND 49-50

In the Office Action, claims 21, 23-24, 29-31, 33-36, 38-41, 43-44 and 49-50 were rejected under 35 U.S.C. §103(a) as being unpatentable over Emens (U.S. Patent No. 6,606,643) in view of McCanne. Applicant respectfully traverses the rejection because a *prima facie* case of obviousness has not been established.

With respect to independent claim 21, the Office Action states that Emens teaches computer readable program code for registering a plurality of edge servers with a service provider and for receiving information, *from a viewer requesting multimedia information*, identifying the plurality of edge servers to route the multimedia information to the viewer. *Emphasis added; See Page 6 of the Office Action.* Applicant respectfully disagrees with this statement.

Applicant submits that neither Emens nor McCanne, alone or in combination, suggests that information identifying the plurality of edge servers is provided by the viewer. In contrast to the rejection, the "information request" set forth on column 4, lines 33-40 of Emens does not constitute information that identifies the plurality of edge servers. Rather, it is a request to obtain a list of mirror servers that is generated by the host server, and this list is provided from the viewer. Therefore, Applicant respectfully submits that independent claim 21 as well as dependent claims 23-24, 29-31, 33-36 and 38-40. Applicant respectfully reserves the right to further submit additional grounds for traversing the rejection is an appeal is warranted. Withdrawal of the outstanding §103(a) rejection is respectfully requested.

With respect to independent claim 41, the Office Action states that the claimed apparatus is rejected based on the same grounds as claim 21. Similarly, Applicant traverses the §103(a) rejection because Emens does not suggest a receiver to receive information *to identify a plurality of edge servers selected by a viewer* for routing information to the viewer and to register the plurality of edge servers with a service provider. *Emphasis added.* In contrast to the rejection, the "information request" set forth on column 4, lines 33-40 of Emens does not constitute information from the viewer that identifies the plurality of edge servers. Rather, the "information request" is merely a request to obtain a list of mirror servers that is generated by the

host server. Therefore, Applicant respectfully submits that independent claim 41 as well as dependent claims 43-44 and 49-50. Applicant respectfully reserves the right to further submit additional grounds for traversing the rejection is an appeal is warranted. Withdrawal of the outstanding §103(a) rejection is respectfully requested.

C. §103 REJECTION OF CLAIMS 21, 23-25, 27-30, 32, 33-36, 38-41, 43-45, 50 AND 52

In the Office Action, claims 21, 23-25, 27-30, 32, 33-36, 38-41, 43-45, 50 and 52 were rejected under 35 U.S.C. §103(a) as being unpatentable over Logan (U.S. Patent No. 6,578,066) in view of McCanne. Applicant respectfully traverses the rejection because a *prima facie* case of obviousness has not been established.

With respect to independent claim 21, the Office Action states that Logan teaches computer readable program code for registering a plurality of edge servers with a service provider and *for receiving information, from a viewer requesting multimedia information*, identifying the plurality of edge servers to route the multimedia information to the viewer. *Emphasis added; See Page 10 of the Office Action.* Applicant respectfully disagrees with this statement.

Applicant submits that neither Logan nor McCanne, alone or in combination, suggests that information identifying the plurality of edge servers is provided by the viewer. In contrast to the rejection, the "source IP address" for the domain name server request set forth on column 10, lines 54-55 of Logan does not constitute "information that identifies the plurality of edge servers". Rather, the source IP address is merely used to identify the source computer of the request, and does not provide edge server selections by the viewer. Therefore, Applicant respectfully submits that independent claim 21 as well as dependent claims 23-25, 27-30, 32, 33-36, 38-40 are in condition for allowance. Applicant respectfully reserves the right to further submit additional grounds for traversing the rejection at a later time. Withdrawal of the outstanding §103(a) rejection is respectfully requested.

With respect to independent claim 41, the Office Action states that the claimed apparatus is rejected based on the same grounds as claim 21. Similarly, Applicant traverses the §103(a)

rejection because Logan does not suggest a receiver to receive information *to identify a plurality of edge servers selected by a viewer* for routing information to the viewer and to register the plurality of edge servers with a service provider. *Emphasis added.* In contrast to the rejection, the "source IP address for the domain name server request" of Logan does not constitute information from the viewer that identifies the plurality of edge servers as mentioned above. Therefore, Applicant respectfully submits that independent claim 41 as well as dependent claims 43-45, 50 and 52. Applicant respectfully reserves the right to further submit additional grounds for traversing the rejection at a later time. Withdrawal of the outstanding §103(a) rejection is respectfully requested.

D. §103 REJECTION OF CLAIM 12

In the Office Action, claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kenner in view of McCanne and Logan. Applicant respectfully traverses the rejection. However, based on the dependency of claim 12 on independent claim 1, believed by Applicant to be in condition for allowance, no further discussion as to the grounds for traverse is warranted. Applicant reserves the right to present such arguments at a later time. Withdrawal of the §103(a) rejection as applied to claim 12 is respectfully requested.

E. §103 REJECTION OF CLAIM 6

In the Office Action, claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kenner in view of McCanne and Kenner et al. (U.S. Patent No. 5,956,716), hereinafter referred to as "Kenner2". Applicant respectfully traverses the rejection. However, based on the dependency of claim 6 on independent claim 1, believed by Applicant to be in condition for allowance, no further discussion as to the grounds for traverse is warranted. Applicant reserves the right to present such arguments at a later time. Withdrawal of the §103(a) rejection as applied to claim 6 is respectfully requested.

F. §103 REJECTION OF CLAIMS 26 & 46

In the Office Action, claim 26 and 46 were rejected under 35 U.S.C. §103(a) as being unpatentable over Emens in view of McCanne and Kenner2. Claims 26 and 46 were further

rejected under 35 U.S.C. §103(a) as being unpatentable over Logan in view of McCanne and Kenner2. Applicant respectfully traverses the rejection. However, based on the dependency of claims 26 and 46 on independent claims 21 and 41, believed by Applicant to be in condition for allowance, no further discussion as to the grounds for traverse is warranted. Applicant reserves the right to present such arguments at a later time. Withdrawal of the §103(a) rejection as applied to claims 26 and 46 is respectfully requested.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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